



The City of Raleigh

Stormwater Management Advisory Commission

April 6, 2017
3:00 p.m.

Raleigh Municipal Building
Conference Room 305

Commission Members Present: Matthew Starr (chair), Vanessa Fleischmann (vice chair), Francine Durso, Ken Carper, Marion Deerhake, Chris Bostic, and Evan Kane.

Commission Members Absent: David Webb and Kevin Yates; (One seat is currently vacant)

Staff Members Present: Blair Hinkle, Suzette Mitchell, Kelly Daniel, Scott Smith, Ben Brown, Lauren Witherspoon, Kevin Boyer, Scott Bryant, Lory Willard, Alex Natzke, Justin Harcum, James Pflaum, Carmela Teichman, Sheila Thomas-Ambat, Carrie Mitchell, Wenju Zhang, Dale Hyatt, and Veronica Barrett.

Guests: Leah Young, Amy Wazenegger, and Jon Becker.

The meeting was called to order at 3:03 p.m. by Matthew Starr (chair)

1. Welcome, Introductions, Excused Absences

- **Mr. Kane** made a motion to excuse David Webb and Kevin Yates from today's meeting, and **Ms. Durso** seconded both. The motion was passed unanimously.

2. Approval of the Minutes – March 2, 2017 Meeting

- **Mr. Starr** made a motion to approve and **Mr. Carper** seconded. The motion was passed unanimously.

3. Stormwater Staff Report

Stormwater Division Reorganization: **Blair Hinkle** updated the Commission on an organizational management change (Phase 3) within the division that appointed Scott Bryant and Ben Brown as Stormwater Administrators.

- Scott Bryant – Managing the Business Services section, strategic planning, stormwater master planning, financial management, and asset management, which will include the Inventory Group in the new fiscal year.
- Ben Brown – Managing development plan review and inspections, the Water Quality section, and the Drainage Assistance Program.

4. Stormwater Quality Cost Share Project – 2521 Remington Road

Lory Willard informed the Commission of this upcoming Stormwater Quality Cost Share Program project. The project consists of replacing eight inches of impervious surface over 1,300 square feet (sf.) with topsoil and vegetation; located in the Crabtree Creek Watershed; and with a 10-year maintenance term.

Total Project Cost	\$2,750
Stormwater/City Contribution (75%)	\$2,063
Petitioner Contribution (25%)	\$687

Mr. Bostic asked if there was any consideration given when removing the asphalt or tilling. **Lory Willard** stated there is an eight-inch base of impervious surface that is being removed and will be filled with topsoil. It was also noted that Stormwater staff informed the petitioner not to compact the dirt.

Motion: Mr. Bostic made a motion to approve the project, and Ms. Fleischmann seconded. The motion was approved unanimously.

5. Erosion & Sediment Control Ordinance Revisions

Lauren Witherspoon provided the Commission with a presentation on text changes to Section 9.4 (Erosion and Sedimentation Control) of the Unified Development Ordinance (UDO). Stormwater staff made changes and presented the revisions to the City Attorney for review and approval. The objectives of these revisions is to incorporate changes that have been made to General Statutes, Administrative Code, and Model Ordinance; include changes to Department and Division names; be more concise and less redundant; and include information that had been inadvertently omitted during the transition from earlier code to the current UDO.

Summary:

- 9.4.1 Applicability – Add exemptions (mulching, fruits and vegetables, restoring wetland function)
- 9.4.4 Standards for Land Disturbing Activities – When determining the area of land disturbance add aggregated under single or diverse ownership
 - Add “Phased Inspection – Responsible shall inspect (to maintain)”
 - Add runoff sediment and erosion control measure standards to this section of the UDO and remove from Section 9.2
 - Add Falls Lake Watershed requirement and Swift Creek watershed requirement
- 9.4.5 (C) Maintenance – Remove timeframe repair (15 working days or 30 calendar days) requirement for replacing permanent erosion and sediment control measure
- 9.4.6 (D) – Remove table that summarized plan review process
- 9.4.7 – Add field revision requirement and remove information related to compliance and enforcement
- 9.4.8 Transfer of Plan – Add this section
- 9.4.9 – Change to Plan Appeals
- 9.4.10 – Change the heading to “Compliance”; Remove “Plan Requirements”; and add hand delivery requirement
- 9.4.12 Enforcement (Civil Penalties)
 - Add factors used to determine the amount of civil penalties
 - Add the City’s appeal process (administrative review, board of adjustment, and superior court)
 - Add request for remission of civil penalty (sedimentation control commission)
 - Add \$25,000 cap for first time penalty
- 9.4.12 (F) Initial Civil Penalties – Add section to explain how initial civil penalties are assessed
- 9.4.12 (G) Specific Civil Penalties
 - Change header to “Accruing Civil Penalties”
 - For each violation type, establish a range:
 - Keep the current base fine as the top of the range
 - The bottom of the range is a factor of 10 below the top of the range
 - Remove the groundcover references to 15 working days or 60 calendar days
 - Remove “No initial civil penalty shall exceed \$7,500”
- 9.4.13 Order of Abatement – Add section to allow the City to put a lien on a property when compliance has not been accomplished

- 11.4.1 Permit Requirement – Add land disturbance permit to sec 11.4.1 of the UDO so that expiration is defined for this permit

Commission comments:

- 9.4.4 (A4) – Questioned if language listed to keep NPDES permits onsite
- 9.4.4 (B3) – Pre-development is hyphenated in one sentence, but it is not in another section. It needs to be consistent.
- 9.4.4 (B3) – Change the structure of the paragraph in B3. Place the second situation (15 acres) in a second paragraph and for B3 (i) make it clearer that the conditions are broken out.
- 9.4.8 – Add a semicolon after a, b, and c
- 9.4.12 – Define “person”

Mr. Bostic questioned the phrase “each day of continuing violation thereafter shall constitute a separate violation.” He asked if you have a violation after the first day, are you no longer a first time offender. **Lauren Witherspoon** answered that the violation is assessed from the first day when the Inspectors sees that the violation occurred, and City staff would not assume it is another violation, but staff can check with the City Attorney.

Motion:

Mr. Starr made a motion to support staff text changes along with the Commission comments and then have staff move forward with changing the existing UDO, and **Ms. Durso** seconded. The motion was passed unanimously.

6. Floodprone Area Regulations

Ben Brown provided the Commission with a presentation pertaining to the City’s Floodprone Area Regulations. He explained this is a follow-up from last month’s meeting in which the Commission wanted more information on the current regulations.

Ms. Deerhake said she understands that the rules protect the home, but does it consider the impact of the building footprint on stormwater. **Ben Brown** replied the text change of 2006 is the first regulation that was taken into account about more development in the floodplain beyond the minimum requirements from FEMA. He stated it was based on protecting the building you are putting in the floodplain. The 2006 text change that adds 50 percent restrictions was looking at more downstream cumulative impacts. **Ms. Deerhake** asked if the 50 percent rule had been evaluated and if it is effective. **Ben Brown** said as for averting damage, the 50 percent development inside the floodway fringe has not been studied. If we were going down that path people would look at the new maps, and see we are doing well on our floodway and ask if more can be developed.

Mr. Starr requested that when the new maps come out to please provide an editorial.

7. Other Business

Blair Hinkle informed the Commission that photos are being taken at the next meeting and to arrive 10 minutes prior to the regular starting time.

Adjournment: **Mr. Starr** made a motion to adjourn and **Mr. Kane** seconded. The meeting adjourned at 4:50 p.m.

Suzette Mitchell